



Chief Judge Alex J. Smalls

# COURT OF COMMON PLEAS

The Court of Common Pleas continues to struggle with the large volume of cases in FY 2005. The Court's filings remained high – this was the fourth year in succession that the Court's criminal misdemeanor caseload exceeded 82,000, the felony caseload exceeded 21,000 and civil caseload exceeded 10,000. These high numbers challenge an already very busy court and challenge the Judges and staff to manage the caseload efficiently. Moreover, the Court is committed to maintaining a high quality of service and committed to providing a just resolution in every case. The goal is to ensure that each case, while receiving the required attention, is resolved timely.

To meet the challenge of managing its caseload, the Court of Common Pleas judges revised the Court's strategic plan and refined the Court's mission statement and guiding ideals. They also developed a series of strategic goals and strategies to help guide the Court through the next several years. Further, the Court continues to revise its case management approach to meet the needs of its clients.

Mary McDonough joined the Court as the new Court Commissioner in New Castle County in early FY 2005. Commissioner McDonough handles a large and diverse caseload and has been a welcome addition to the Court.

The Court of Common Pleas continued its successful drug court program, continuing to provide diversion programs in New Castle and Sussex Counties and expanding its drug court program to Kent County. In New Castle County, the Court has handled more than 2,500 participants since the program began in 1999. This program has been the subject of study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. Sussex County's program has handled 250 participants and Kent County handled 40 cases in its four months of operation.

The Court continues to operate its successful mediation (alternate dispute resolution) program. This program provides an alternative to criminal prosecution and gives participants the opportunity to resolve conflicts more effectively and satisfactorily than going through the regular court process. Since its inception in 2001, the Court has referred more than 2,700 cases to mediation and has experienced a success rate of nearly 90%. In FY 2005, the Court's mediation program was made available to parties to civil cases as well as criminal.

The Court of Common Pleas started the first Mental Health Court in the State of Delaware in October 2003. Modeled on the drug court concept, Mental Health Court is designed to provide a diversion program in the form of treatment and counseling to mentally ill persons in an effort to reduce their contact with the criminal justice system. The program provides

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regular contact with a judge and close contact with mental health professionals for a period of time in order to carry out appropriate treatment therapies. The judge serves as the center of the treatment and supervision process and provides the incentive for cooperation and completion of treatment. Consideration is being given to expanding this program to Sussex County in FY 2007.

In New Castle County, the Court continues to manage its high volume traffic offenses through calendars designed to provide greater efficiency in the management of cases and reduce the burden on citizens to appear more than required. Traffic Court was instituted where most offenses are scheduled for a single event; defendants are arraigned in the morning and tried on the same day. This is designed to eliminate multiple court appearances. In addition, domestic related cases are scheduled separately to give such cases more attention and move these cases to trial quicker.

The Court of Common Pleas continued to participate in the State's active courthouse improvement projects. Renovations to the judges' chambers and improvements to the courtrooms in Sussex County were completed. Changes to those spaces, as well as to the recently renovated Clerk's Office, allow the Court to provide better service to the public in a much-improved environment.

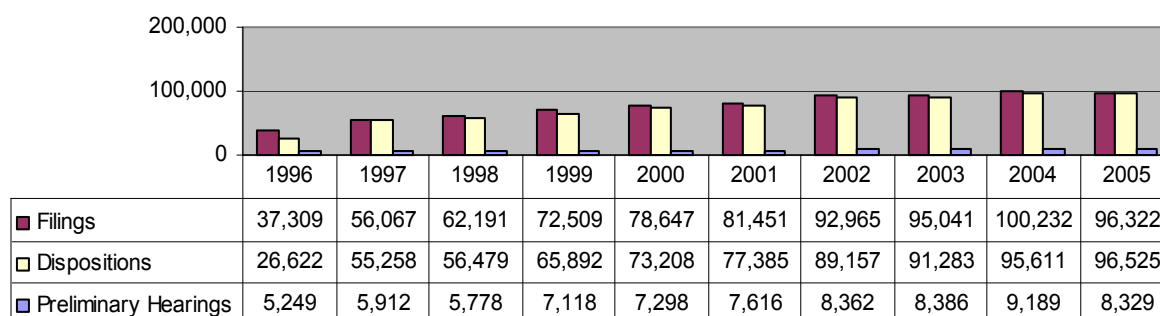
In Kent County, planning continues for renovations to the Kent County Courthouse and the Court continued the process of determining its long-term needs. Cramped conditions and inadequate office and courtroom space affect Court operations on a daily basis.

In New Castle County, the Clerk's Office has run out of space in the short time it has been in the New Castle County Courthouse. There is little or no room for additional staff and no remaining file space, creating inefficient and unsafe conditions for Court staff. The Court is currently seeking to address this issue.

The Court continues its commitment to supporting a successful COTS project for the Delaware Judiciary. It has dedicated several staff to the effort full-time as well as providing staff support for COTS committees.

The Court Clerk's Office has refined a number of its criminal procedures to improve case processing, including the development of new forms and orders, improvements to calendar procedures, and capias clean-up activities. The Court has also developed new case management processes for handling civil cases.

**10 YEAR CASELOAD TREND COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS AND DISPOSITIONS AND PRELIMINARY HEARINGS BY FISCAL YEAR**



The Court continues its commitment of providing service to self-represented citizens. Public access computers are now actively in use in all three counties. In addition, the Court continued to expand its web site this year by increasing the number of forms and accompanying instructions on the internet. These changes provide improved accessibility to the courts to many Delaware citizens.



### Legal Authorization

Art. IV, Sec. 1 of the Delaware Constitution authorizes the Court of Common Pleas.

### Court History

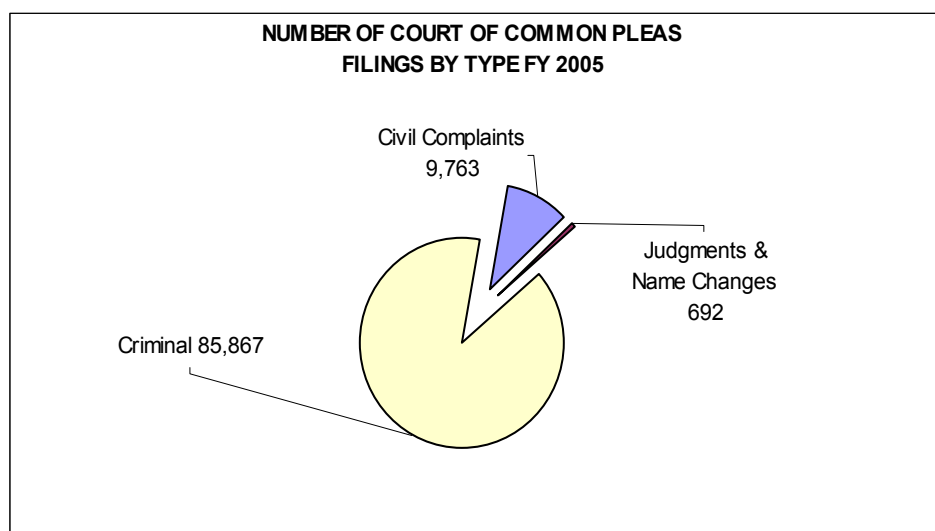
Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period and the Delaware Constitution of 1792 continued their existence in the State of Delaware for a few decades. These, however, were courts of general jurisdiction and, as such, the antecedents of the present Superior Court.

The modern day Court of Common Pleas was established in 1917 when a court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953. In 1969, the three County Courts of Common Pleas became state courts and, in 1973, the three Courts merged into a single Statewide Court of Common Pleas.

In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995. On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

### Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.



## COURT OF COMMON PLEAS

### Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also has jurisdiction over change of name petitions and habitual offender motor vehicle hearings. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except certain drug-related offenses. In addition, it has jurisdiction over traffic offenses (other than those that are felonies). It is also responsible for preliminary hearings. Jury trial is available to all criminal defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles.

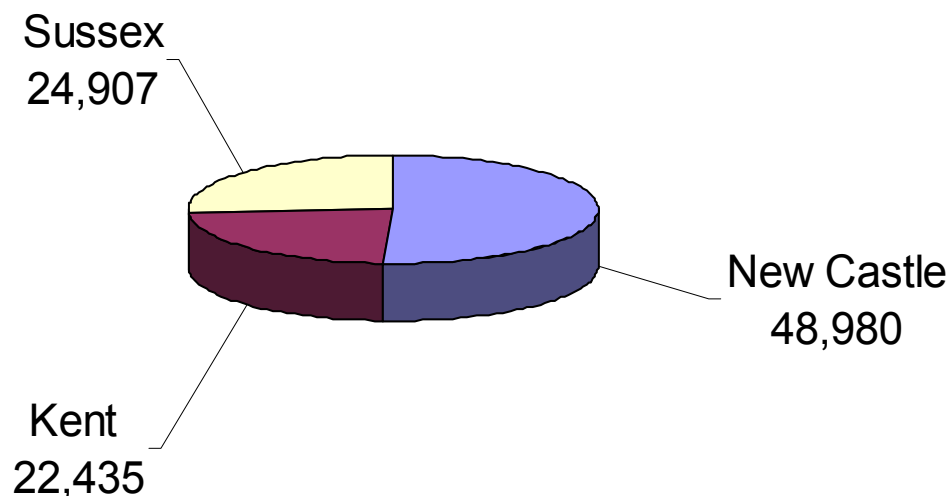
### Judges

There are nine judges of the Court of Common Pleas, of which five serve in New Castle County, two in Kent County, and two in Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one judge may be from the same political party. The chief judge serves as the administrative head of the Court.

### Support Personnel

The staff of the Court of Common Pleas includes a court administrator and one clerk of the court for each county as well as bailiffs, court reporters, secretaries, clerks and presentence officers.

### NUMBER OF COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS BY COUNTY FY 2005





**Court of Common Pleas**

***Front Row (from left to right):***

Judge Merrill C. Trader  
Chief Judge Alex J. Smalls  
Judge William C. Bradley, Jr.

***Standing (from left to right):***

Judge Joseph F. Flickinger, III,  
Judge Charles W. Welch, III  
Judge Jay Paul James  
Judge Rosemary B. Beauregard,  
Judge John K. Welch,  
Judge Kenneth S. Clark, Jr.